

Houston.Rule10
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM**

UNITED STATES OF AMERICA,)	CRIMINAL CASE NO. <u>07-00108</u>
)	
Plaintiff,)	
)	UNITED STATES OPPOSITION TO
vs.)	WAIVER OF APPEARANCE FOR
)	ARRAIGNMENT
LESLEE HOUSTON,)	
)	
Defendant.)	
_____)	

Defendant was arrested in New Mexico and brought before the District Court there. She was released on her own recognizance, and ordered to appear on Guam July 24, 2008, at 11:00 a.m. She did not appear, which caused the government to file a motion for an arrest warrant. Instead, William Gavras, Esq. filed a motion in opposition, and a hearing was held August 13, 2008. Mr. Gavras advised the court defendant did not know she was supposed to appear July 24, and the court continued her appearance to September 8, 2008.

The government agrees that generally the defendant may waive her right to appear for

1 arraignment pursuant to FRCrP 10. The Commentary to the 2002 changes, however, reflect
2 that it would be appropriate for the court to reject a requested waiver if the government presents
3 reasons for requiring defendant to appear personally. The government has received a copy of the
4 District of New Mexico pretrial services report. This report reflects that defendant has numerous
5 convictions from the mid-80s, when she was using controlled substances. Washington State
6 issued a warrant for forgery March, 1987, by which time she had moved to Guam. New York
7 issued warrants after she failed to appear on possession of endangered species violations, on
8 November 30, 2006. According to her pretrial release agreement, attached hereto as Exhibit 1,
9 she was ordered to resolve these outstanding warrants within 60 days, i.e., by September 7. Has
10 she done so?
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13 Under these circumstances, the government believes defendant should be ordered to
14 appear before this court for a thorough investigation by this district's pretrial services division,
15 so that the court can make a more informed decision concerning her release status.
16

17 Respectfully submitted this 2nd day of September, 2008.

18 LEONARDO M. RAPADAS
19 United States Attorney
20 Districts of Guam and NMI

21 By: /s/ Karon V. Johnson
22 KARON V. JOHNSON
23 Assistant U.S. Attorney
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